

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

BRYAN ROLAND HOITT, #108066,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Case No. 6:23-cv-396-JDK-JDL
	§	
GREGG COUNTY SHERIFF'S OFFICE,	§	
	§	
Defendant.	§	

**ORDER ADOPTING THE REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Bryan Roland Hoitt, proceeding pro se and *in forma pauperis*, filed this lawsuit under 42 U.S.C. § 1983 while he was an inmate of the Gregg County Jail. The case was referred to United States Magistrate Judge John D. Love for findings of fact, conclusions of law, and recommendations for the disposition of the case.


On October 17, 2023, Judge Love issued a Report recommending that Plaintiff's lawsuit be dismissed for failure to prosecute because Plaintiff had failed to comply with the Court's order to amend his complaint. Docket No. 11. A copy of this Report was mailed to Plaintiff, but it was returned as undeliverable—"not at this facility." Docket No. 6. Publicly available electronic records of the Gregg County Jail confirm that Plaintiff was released on September 1, 2023. *See* Gregg County Jail Records Search Detail for Hoitt, Bryan, Booking #: 23-00131261, available at <http://beta.co.gregg.tx.us/OdysseyPA/JailingSearch.aspx?ID=400> (last visited Nov. 28, 2023). Plaintiff has not objected, filed a notice of change of address, or taken any other action to prosecute this case since that date.

This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, Plaintiff did not object in the prescribed period. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews his legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law.").

Having reviewed the Magistrate Judge's Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 11) as the findings of this Court. It is therefore **ORDERED** that this case is **DISMISSED** without prejudice for failure to prosecute. All pending motions are **DENIED** as **MOOT**.

So **ORDERED** and **SIGNED** this 30th day of November, 2023.

  
JEREMY D. KERNODLE  
UNITED STATES DISTRICT JUDGE